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OFFICE OF PETITIONS

In re Application of	:	
James A. SIEVERT	:	
Application No. 09/422,018	:	ON PETITION
Filed: October 21, 1999	:	
Attorney Docket No. RA-5236(USYS	:	

This is a decision on the petition under 37 CFR 1.137(b), filed September 1, 2005, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply within the meaning of 37 CFR 1.113 in a timely manner to the final Office action mailed April 7, 2004, which set a shortened statutory period for reply of three (3) months. While a reply to the final Office action was filed June 7, 2004, that reply did not *prima facie* place this application in condition for allowance, as indicated by the Advisory Action of July 14, 2005. No extensions of time under the provisions of 37 CFR 1.136(a) was obtained; however, the Advisory Action mailed July 11, 2005 states that the period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later, and that in no event will the statutory period for reply expire later than six months from the mailing date of the final rejection. Accordingly, the above-identified application became abandoned on October 8, 2004.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of a Notice of Appeal and \$500 appeal fee; (2) the petition fee of \$1500; and (3) the required statement of unintentional delay have been received. Accordingly,

the reply to the final Office Action of April 7, 2004 is accepted as having been unintentionally delayed.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the office will mail all future correspondence solely to the address of record.

The two-month period for filing an appeal brief under 37 CFR 41.37(a)(1), accompanied by the fee required by 37 CFR 41.20(b)(2) runs from the date of this decision.

Telephone inquiries concerning this decision should be directed to David A. Bucci at (571) 272-7099 or in his absence, the undersigned at (571) 272-3217.

The application file is being referred to Technology Center AU 2193.

A handwritten signature in black ink, appearing to read "Brian Hearn", with a stylized flourish at the end.

Brian Hearn
Petitions Examiner
Office of Petitions

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